

**PART 700—STANDARDS FOR THE  
CONDUCT AND EVALUATION OF  
ACTIVITIES CARRIED OUT BY THE  
OFFICE OF EDUCATIONAL RE-  
SEARCH AND IMPROVEMENT  
(OERI)—EVALUATION OF APPLI-  
CATIONS FOR GRANTS AND CO-  
OPERATIVE AGREEMENTS AND  
PROPOSALS FOR CONTRACTS**

**Subpart A—General**

Sec.

700.1 What is the purpose of these stand-  
ards?

700.2 What activities must be governed by  
these standards?

700.3 What additional activities may be gov-  
erned by these standards?

700.4 What definitions apply?

700.5 What are the processes of open com-  
petition?

**Subpart B—Selection of Peer Reviewers**

700.10 When is the peer review process used?

700.11 Who may serve as peer reviewers?

700.12 What constitutes a conflict of inter-  
est for grants and cooperative agree-  
ments?

700.13 What constitutes a conflict of inter-  
est for contracts?

**Subpart C—The Peer Review Process**

700.20 How many peer reviewers will be  
used?

700.21 How are applications for grants and  
cooperative agreements evaluated?

700.22 How are proposals for contracts eval-  
uated?

**Subpart D—Evaluation Criteria**

700.30 What evaluation criteria are used for  
grants and cooperative agreements?

700.31 What additional evaluation criteria  
shall be used for grants and cooperative  
agreements?

700.32 What evaluation criteria shall be  
used for contracts?

**Subpart E—Selection for Award**

700.40 How are grant and cooperative agree-  
ment applications selected for award?

700.41 How are contract proposals selected  
for award?

AUTHORITY: 20 U.S.C. 6011(i).

SOURCE: 60 FR 47810, Sept. 14, 1995, unless  
otherwise noted.

**Subpart A—General**

**§ 700.1 What is the purpose of these  
standards?**

(a) The standards in this part imple-  
ment section 912(i) of the Educational  
Research, Development, Dissemina-  
tion, and Improvement Act of 1994.

(b) These standards are intended to  
ensure that activities carried out by  
the Office of Educational Research and  
Improvement (the Office) meet the  
highest standards of professional excel-  
lence.

(Authority: 20 U.S.C. 6011(i)(1))

**§ 700.2 What activities must be gov-  
erned by these standards?**

(a) The standards in this part are  
binding on all activities carried out by  
the Office using funds appropriated  
under section 912(m) of the Educational  
Research, Development, Dissemina-  
tion, and Improvement Act of 1994.

(b) Activities carried out with funds  
appropriated under section 912(m) of  
the Act include activities carried out  
by the following entities or programs:

(1) The National Research Institutes.

(2) The Office of Reform Assistance  
and Dissemination.

(3) The Educational Resources Infor-  
mation Center Clearinghouses.

(4) The Regional Educational Labora-  
tories.

(5) The Teacher Research Dissemina-  
tion Demonstration Program.

(6) The Goals 2000 Community Part-  
nerships Program.

(7) The National Educational Re-  
search Policy and Priorities Board.

(Authority: 20 U.S.C. 6011(i)(1))

**§ 700.3 What additional activities may  
be governed by these standards?**

(a) The Secretary may elect to apply  
the standards in this part to activities  
carried out by the Department using  
funds appropriated under an authority  
other than section 912(m) of the Act.

(b)(1) If the Secretary elects to apply  
these standards to a competition for  
new grant or cooperative agreement  
awards, the Secretary announces, in a  
notice published in the FEDERAL REG-  
ISTER, the extent to which these stand-  
ards are applicable to the competition.

## § 700.4

(2) If the Secretary elects to apply these standards to a solicitation for a contract award, the Secretary announces in the request for proposals the extent to which these standards are applicable to the solicitation.

(Authority: 20 U.S.C. 6011(i))

### § 700.4 What definitions apply?

(a) *Definitions in the Educational Research, Development, Dissemination, and Improvement Act of 1994.* The following terms used in this part are defined in 20 U.S.C. 6011(1):

Development	Office
Dissemination	National Research
Educational	Institute
Research	Technical Assistance

(b) *Definitions in Education Department General Administrative Regulations.* The following terms used in this part are defined in 34 CFR 77.1:

Applicant	Grant
Application	Project
Award	Secretary
Department	

(c) *Definitions in the Federal Acquisition Regulation.* The following terms used in this part are defined in 48 CFR chapter 1:

Contracting Officer	Proposal
Employee of an Agency	Solicitation

(d) *Other definitions.* The following definitions also apply to this part:

*Act* means the Educational Research, Development, Dissemination, and Improvement Act of 1994 (Title IX of Pub. L. 103-227, 108 Stat. 212).

*EDAR* means the Education Department Acquisition Regulation, 48 CFR chapter 34.

*EDGAR* means the Education Department General Administrative Regulations, 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 85 and 86. *FAR* means the Federal Acquisition Regulation, 48 CFR chapter 1.

(Authority: 20 U.S.C. 6011)

### § 700.5 What are the processes of open competition?

The Secretary uses a process of open competition in awarding or entering into all grants, cooperative agreements, and contracts governed by these

## 34 CFR Ch. VII (7-1-02 Edition)

standards. The processes of open competition are the following:

(a) For all new awards for grants and cooperative agreements, the Secretary will make awards pursuant to the provisions of EDGAR with the exception of the provisions in 34 CFR 75.100(c)(5), 75.200(b)(3), (b)(5), 75.210, and 75.217(b)(1), (b)(2), (c), and (d); and

(b) For contracts, the Department will conduct acquisitions pursuant to this part in accordance with the requirements of the Competition in Contracting Act, 41 U.S.C. 253, and the FAR.

(Authority: 20 U.S.C. 6011(i)(2); 41 U.S.C. 253)

## Subpart B—Selection of Peer Reviewers

### § 700.10 When is the peer review process used?

The Secretary uses a peer review process—

(a) To review and evaluate all applications for grants and cooperative agreements and proposals for those contracts that exceed \$100,000;

(b) To review and designate exemplary and promising programs in accordance with section 941(d) of the Act; and

(c) To evaluate and assess the performance of all recipients of grants from and cooperative agreements and contracts with the Office.

(Authority: 20 U.S.C. 6011(i)(2)(B))

### § 700.11 Who may serve as peer reviewers?

(a) An individual may serve as a peer reviewer for purposes of reviewing and evaluating applications for new awards for grants and cooperative agreements and contract proposals if the individual—

(1) Possesses the following qualifications:

(i) Demonstrated expertise, including training and experience, in the subject area of the competition.

(ii) In-depth knowledge of policy or practice in the field of education.

(iii) In-depth knowledge of theoretical perspectives or methodological approaches in the subject area of the competition; and